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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,235	05/23/2006	Aritsune Nagamura	R2184.0498/P498	1664

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DICKSTEIN SHAPIRO LLP  
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Washington, DC 20006-5403

EXAMINER
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NGUYEN, LINH THI

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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06/15/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/580,235	<b>Applicant(s)</b> NAGAMURA, ARITSUNE	
	<b>Examiner</b> LINH T. NGUYEN	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-14 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 9-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto (US Publication Number 200201505874).

In regards to claims 1 and 9, Matsumoto discloses a An optical disk recording method wherein a beam is irradiated on an optical disk so that recording or write once of information is carried out, the optical disk recording method comprising the step of: controlling a recording velocity at the time of starting the write once (Fig. 3; Paragraph [0088]), when the write once of information is carried out on the optical disk where the write once or rewriting can be carried out (Paragraph [0096]), the optical disk having a part where information is already recorded (Paragraph [0096], CAV a part is recorded before switching to CLV).

In regards to claims 2 and 10, Matsumoto discloses the optical disk recording method as claimed in claim 1, wherein recording is carried out by a Constant Angular Velocity (CAV) method at the time of normal recording (Paragraph [0088], regular or actual recording); and the recording velocity at the time of starting the write once is controlled, at the time when the write once of information is carried out on the optical

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disk where the write once or rewriting can be carried out, the optical disk having both the part where information is already recorded and a part where information is physically not recorded (Paragraph [0096]).

In regards to claims 3 and 11, Matsumoto discloses the optical disk recording method as claimed in claim 1, wherein recording is carried out by a Constant Angular Velocity (CAV) method at the time of normal recording; and a recording method at the time of starting the write once is changed from the CAV method to a Constant Linear Velocity (CLV) method, at the time when the write once of information is carried out on the optical disk where the write once or rewriting can be carried out, the optical disk having both the part where information is already recorded and a part where information is physically not recorded (Fig. 9, Paragraph [0102]).

In regards to claims 4 and 12, Matsumoto discloses the optical disk recording method as claimed in claim 3, wherein recording is carried out by the CLV method using a plurality of recording linear velocities; and the recording velocity at the time of starting the write once is controlled by the CLV method using one of the recording linear velocities corresponding to the optical disk (Paragraphs [0096] and [0109]; the velocity range from 4X to 16X).

In regards to claims 5 and 13, Matsumoto discloses the optical disk recording method as claimed in claim 4, wherein the recording velocity at the time of starting the

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write once is controlled by the CLV method using a linear velocity the same as the recording velocity at the time when an Optimum Power Calibration (OPC) is carried out at an internal or external circumferential part of the optical disk (Fig. 3, element 204 generate the optimum power while the recording velocity is also generated 205, Paragraph [0088]).

In regards to claims 6 and 14, Matsumoto discloses the optical disk recording method as claimed in claim 4, wherein the recording velocity at the time of starting the write once is controlled by the CLV method using a lowest recording linear velocity among the recording linear velocities corresponding to the optical disk (Paragraph [0108]-[0109]).

### ***Allowable Subject Matter***

Claims 7, 8 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In regards to claim 7 and 15, none of the references alone or in combination discloses the optical disk recording and reading apparatus, wherein the recording velocity  $X$  at the time of starting the write once is defined by  $Y < X < (Y + (Z - Y)/2)$  in a case where a lowest recording linear velocity corresponding to the optical disk is defined as  $Y$  and a highest recording linear velocity corresponding to the optical disk is defined as  $Z$ ; and a recording velocity is controlled so as to be the same as the recording velocity

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when the write once is not carried out, in a case where the recording velocity at the time of starting the write once is equal to or the less than X.

In regards to claim 8 and 16, none of the references alone or in combination discloses the optical disk recording and reading apparatus, wherein the recording velocity at the time of starting the write once is controlled so as to be the same recording velocity as a recording velocity when the write once is not carried out, in a case of  $S < R$  at a part where the write once is started wherein a distance in a radial direction from a position where the recording is started at the internal circumferential part of the optical disk to a position where the write once is started is defined as S, a distance from a most internal circumferential recording starting position to a most external circumferential recording completion position is defined as T, and R being constant has a value less than  $T/2$ .

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hagiwara et al, Shimizume et al and Ishikawa et al discloses a disc apparatus that is capable of switching between CAV to CLV in different situations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH T. NGUYEN whose telephone number is (571)272-5513. The examiner can normally be reached on 10:00am-7:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN

June 10, 2009

/Wayne Young/

Supervisory Patent Examiner, Art Unit 2627